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# TRANSMITTAL FORM

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Application Number	02/100,019
Filing Date	July 30, 1993
First Named Inventor	TRICK
Group Art Unit	2101
Examiner Name	N. Tuccillo
Attorney Docket Number	TRICK 201-KGB

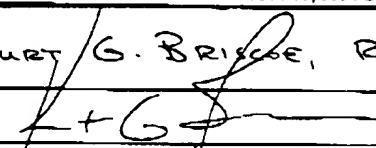
Total Number of Pages in This Submission

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## ENCLOSURES (check all that apply)

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<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> To Convert a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below):
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<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Small Entity Statement	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	KURT G. BRISCE, REG. NO. 33,141
Signature	
Date	1-7-98

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Trick 201-KGB

RESPONSE AFTER FINAL REJECTION  
EXPEDITED EXAMINING PROCEDURE- GROUP 2100/ART UNIT 2101

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : ROBERT T. TRICK  
SERIAL NO. : 08/100,019  
FILED : July 30, 1993  
FOR : SEALED PACKAGE OF FILM FOR PRODUCING  
FRAMED PHOTOGRAPHS  
ART UNIT : 2101  
EXAMINER : N. Tuccillo

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January 7, 1998

BOX AF

Hon. Assistant Commissioner for Patents  
Washington, D.C. 20231

REQUEST TO WITHDRAW FINALITY OF LAST OFFICE ACTION

SIR:

Applicant respectfully requests that the Examiner please reconsider and withdraw the finality of the Office Action dated October 21, 1997. In this regard, Applicant believes that the final rejection is premature for the reasons given below.

Specifically, MPEP § 706.07(a) provides:

"Under present practice, second or any subsequent actions on the

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GROUP 2100

ROBERT T. TRICK  
USSN 08/100,019

merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p). [Emphasis added.]"

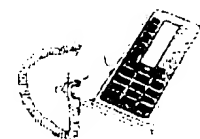
Although the final rejection ends with the statement that Applicant's amendment of July 1, 1997, necessitated the new grounds of rejection in the final rejection, the fact is that it did not. Therefore, the final rejection should have been issued as a non-final action, and Applicant respectfully requests that the Examiner withdraw the finality of that Office Action.

Further on this point, claim 7 was not amended in the amendment of July 1, 1997, but is rejected for the first time under 35 USC § 112, first paragraph, as containing subject matter not supported by an enabling disclosure. It is true that claim 7 is dependent on claim 1, and claim 1 was amended. However, the rejection clearly did not arise from any amendments made to claim 1 since claim 1 was not rejected. Further, this is also clear from the body of the rejection, which pertains to the claimed feature of the second exposed portion in the package being developed, which is a feature that is not in claim 1, but has been in claim 7 since its original filing. Respectfully, there is no possible way that Applicant's amendment of July 1, 1997, necessitated the new ground of rejection against claim 7.

DATE: 1/10



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Date:

To: Nicholas Tuccillo, Examiner  
Group Art Unit 2101  
Fax No. (703) 305-3431 or (703) 305-3432

From: *KURT G. BRISCOE*  
*SPRUNG KRAMER SCHAEFER & BRISCOE*

NUMBER OF PAGES 5 (INCLUDING THIS PAGE)

Serial No. *08/100,019*  
Docket No.: *TRICK 201-K6B*

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